



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-00642S**

**Friday February 28, 2003**

## **STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING**

### **SECTION 214 APPLICATIONS (47 C.F.R. § 63.18); CABLE LANDING LICENSE APPLICATIONS (47 C.F.R. § 1.767) REQUESTS TO AUTHORIZE SWITCHED SERVICES OVER PRIVATE LINES (47 C.F.R. § 63.16); SECTION 310(B)(4) REQUESTS**

Unless otherwise specified, the following procedures apply to the applications listed below:

The international Section 214 applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications are for authority under Section 214 of the Communications Act, 47 U.S.C. § 214, (a) to transfer control of an authorized carrier or to assign a carrier's existing authorization; and/or (b) to become a facilities-based international common carrier; and/or (c) to become a resale-based international common carrier.

Pursuant to Section 63.12 of the rules, these Section 214 applications will be granted 14 days after the date of this public notice (see 47 C.F.R. § 1.4 regarding computation of time), and the applicant may commence operations on the 15th day, unless the Commission has informed the applicant in writing, within 14 days after the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing.

Communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. An application can be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or a petition to deny will not necessarily result in an application being deemed ineligible for streamlined processing.

The petitions for declaratory ruling listed below are (1) for authority under Section 310(b)(4) of the Communications Act, 47 U.S.C. § 310(b)(4), to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees, or (2) under Section 63.16 of the rules, to add a foreign market to the list of markets for which carriers may provide switched services over private lines. The requested rulings will be granted 14 days after the date of this public notice, effective the next day, unless the application is formally opposed or the Commission has informed the applicant in writing, within 14 days of the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing. For this purpose, a formal opposition shall be sufficient only if it is received by the Commission and by the applicant within 14 days of the date of this public notice and its caption and text make it unmistakably clear that it is intended to be a formal opposition.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

We request that comments on any of these applications refer to the application file number shown below.

## Petition for Declaratory Ruling

T-Mobile USA, Inc. (T-Mobile or Petitioner) seeks a declaratory ruling that it is not contrary to the public interest for Cook Inlet/VS GSM VI PCS, LLC (CIVS VI) to acquire indirect foreign ownership and voting interests in excess of the 25 percent benchmark in Section 310(b)(4) of the Communications Act of 1934, as amended. This request is filed in conjunction with an application requesting Commission consent to the transfer of control of CIVS VI's broadband Personal Communications Services (PCS) licenses to T-Mobile. See FCC File No. 0001139259.

Petitioner states that CIVS VI, the licensee, is a wholly-owned subsidiary of Cook Inlet/VS GSM VI PCS Holdings, LLC (CIVS VI Holdings), a U.S. limited liability company. CIVS VI Holdings currently has two members, Cook Inlet Mobile Corporation (CIMC), which currently holds a 16.35 percent controlling interest in CIVS VI Holdings, and VoiceStream PCS BTA I Corporation (VS BTA I) which holds an 83.65 percent equity interest in the same. VS BTA I is wholly owned by T-Mobile, a U.S. corporation, formerly known as VoiceStream Wireless Corporation. T-Mobile is in turn wholly owned by Deutsche Telekom AG (Deutsche Telekom), a corporation organized under the laws of the Federal Republic of Germany, a World Trade Organization (WTO) Member.

Under the proposed transaction, T-Mobile will acquire CIMC's 16.35 percent controlling interest in CIVS VI Holdings, which, together with VS BTA I's current interest, will constitute 100 percent of the interests in CIVS VI Holdings, and, indirectly in CIVS VI. As a result, T-Mobile's ultimate parent, Deutsche Telekom, will hold an indirect 100 percent equity and voting interest in the licensee. Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), and the Commission's decision in VoiceStream-DT, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779 (2001), the indirect foreign ownership and voting interest is consistent with the public interest.

## International Telecommunications Certificate

**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

## International Telecommunications Certificate

**Service(s):** Global or Limited Global Resale Service

Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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<b>ITC-214-20030219-00079</b>	<b>E</b>	Amertel Communications, Inc.
International Telecommunications Certificate		
<b>Service(s):</b>	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.		
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<b>ITC-214-20030219-00082</b>	<b>E</b>	PG & H Communication, Inc.
International Telecommunications Certificate		
<b>Service(s):</b>	Global or Limited Global Resale Service	
Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.		
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<b>ITC-214-20030221-00094</b>	<b>E</b>	JJJ marketing
International Telecommunications Certificate		
<b>Service(s):</b>	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service, Individual Switched Resale Service	
Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.		
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<b>ITC-214-20030224-00091</b>	<b>E</b>	Visitatel
International Telecommunications Certificate		
<b>Service(s):</b>	Global or Limited Global Facilities-Based AND Resale Service	
Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.		
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<b>ITC-214-20030225-00095</b>	<b>E</b>	Direct Partner Telecom, Inc.
International Telecommunications Certificate		
<b>Service(s):</b>	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.		
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<b>ITC-ASG-20030127-00036</b>	<b>E</b>	Florida Digital Network, Inc.
Assignment		
<b>Current Licensee:</b>	Mpower Communications Corp.	
<b>FROM:</b>	Mpower Communications Corp.	
<b>TO:</b>	Florida Digital Network, Inc.	
Application for consent to assign all of its assets and associated customers in Fort Lauderdale, Tampa, West Palm Beach and Miami, Florida, and its customers in the Atlanta, Georgia area from Mpower Communications Corp. to Florida Digital Network, Inc. Florida Digital states that it, and its wholly-owned subsidiary, Southern Digital Network, Inc. d/b/a FDN, will provide international service to the customer base being acquired from Mpower. Mpower operates under international section 214 authority granted in File No. ITC-214-19970731-00440 and will continue to hold that authorization after consummation of the proposed transaction.		
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<b>ITC-ASG-20030129-00081</b>	<b>P</b>	Xspedius Management Co. International, LLC
Assignment		
<b>Current Licensee:</b>	Mpower Communications Corp.	
<b>FROM:</b>	Mpower Communications Corp.	
<b>TO:</b>	Xspedius Management Co. International, LLC	
Application for consent to assign all of its customers in Dallas, Houston, Fort Worth, San Antonio and Austin, Texas from Mpower Communications Corp. (Mpower) to Xspedius Management Co. International, LLC. Mpower operates under international section 214 authority granted in File No. ITC-214-19970731-00440 and will continue to hold that authorization after consummation of the proposed transaction.		

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.